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8 and

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15 Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-
16 HE4

17 08-71373

18 **UNITED STATES BANKRUPTCY COURT**
19 **SOUTHERN DISTRICT OF NEVADA**

20 In Re:

21 Ronald Williams and Adrienne Williams

22 Debtors

08-11871-lbr

MS Motion No.

Date:

Time:

Chapter 13

23 **DECLARATION RE BREACH OF CONDITION**

24 STATE OF SC)

25)ss.

26 COUNTY OF Clark)

I, Teressa J. Williams declare and state:

1. As to the following facts, I know them to be true of my personal knowledge, and if called upon to testify in this action, I could and would testify competently thereto.

2. I am an employee of Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-HE4, Secured Creditor herein, and am most familiar with the loan and the ongoing litigation.

3. The real property subject to the Trust Deed is commonly described as 3757 Tiffin Ct., Las Vegas, NV 89129 and legally described as follows:

Parcel One:

Lot 160 in Block 5 of Cimarron Village - Unit 3, as shown by map thereof on file in Book 68 of Plats, Page 39 in the Office of the County Recorder of Clark County, Nevada.

Parcel Two:

A non-exclusive easement appurtenant to Parcel One (1) of Ingress and Egress and of enjoyment in, to and over Association Property and Common Elements as set forth in the Declaration of Covenants, Conditions and Restrictions and Grant of Easements for Cimarron Gowan Maintenance Area, Cimarron Meadows, Cimarron Village and Copperhead recorded June 27, 1994 as Instrument/File No. 01014 in Book 940627 and re-recorded August 16, 1994 as Instrument/File No. 00028 in Book 940816 as the same may from time to time be amended and/or supplemented, all in the Office of the County Recorder, Clark County, Nevada.

4. I have examined the document entitled "Order Regarding Adequate Protection", a copy of which is attached hereto and marked as Exhibit "A" and incorporated herein by this reference, and am representing my personal knowledge as to whether the Debtors have complied with the requirements of said Order.

5. Pursuant to the aforementioned Order, the Debtors would have fifteen (15) days from the date of this Declaration in which to cure the delinquencies due. If upon the 16th day, Debtors has failed to so cure those delinquencies, the automatic Stay Order would be vacated and extinguished as to this Secured Creditor.

6. As of the date of this Declaration, the Debtors have not made the payments as required by the aforementioned Order. The Debtors are presently past due as follows:

3 Monthly Payments at \$1,711.10	\$5,133.30
(May 1, 2010 - July 1, 2010)	
2 Late Charges at \$75.98	\$151.96
(May 1, 2010 - June 1, 2010)	
Total	\$5,285.26

7. Debtors are responsible for the subsequent payments that will come due during this Breach period:

- a. 0 Monthly Payments at \$1,711.10
- b. 6 Stipulated payments at \$797.71

PARTIAL TENDERS WILL NOT BE ACCEPTED

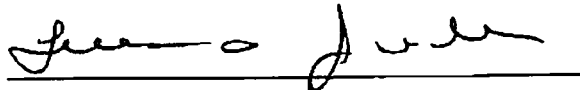
8. Due to Debtors' failure to timely and properly comply with the Order as set forth hereinabove, Secured Creditor has been forced to incur additional attorneys' fees to obtain relief from the Stay Order to take possession of its real property.

9. These attorneys' fees are in addition to attorneys' fees incurred prior to the non-compliance and are now owing to Secured Creditor from Debtors pursuant to the Trust Deed.

10. Should the Debtor cure the default, the Debtors must forward the funds to:

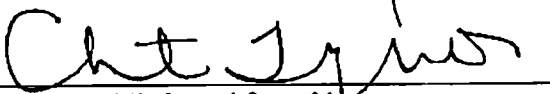
GREGORY L. WILDE, ESQ.
WILDE & ASSOCIATES
212 South Jones Boulevard
Las Vegas, Nevada 89107

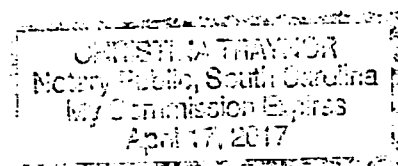
I declare under penalty of perjury that the foregoing is true and correct.



Teresa J. Williams
Assistant Secretary

SUBSCRIBED and SWORN to before me
this 7 day of July, 2010


Notary Public in and for said
State and County
Sc



12/30/2008 2

(FAX) 702 258 2526

P.002/004



Electronically

Entered on Docket
February 08, 2010

A handwritten signature in black ink, appearing to read "Linda B. Riegler", is written over a horizontal line.

Hon. Linda B. Riegler
United States Bankruptcy Judge

WILDE & ASSOCIATES
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Telephone: 702 258-8200
Fax: 702 258-8787

America's Servicing Company
08-71373 / 1127074672

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Ronald Williams and Adrienne Williams

Debtors.

BK-S-08-11871-lbr

MS Motion No.

Date: December 30, 2009

Time: 10:00 a.m.

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

EXHIBIT "A"

12/30/2009 20:27 newark and newark

(FAX) 7028882526

P.003/004

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the post-
2 petition arrearages currently due as follows:

3 3 Monthly Payments at \$1,711.10	\$5,133.30
(October 1, 2009-December 1, 2009)	
4 3 Late charges at \$75.98	\$ 227.94
(October 16, 2009 - December 16, 2009)	
5 Motion Filing Fee	\$ 150.00
6 Attorneys Fees	\$ 750.00
Less suspense	-(\$1,474.99)
7 Total Arrearages	\$4,786.25

8 The above arrearage shall be paid in five (5) monthly installments of \$797.71. These payments
9 shall be in addition to the regular monthly payment and shall be due on or before the 20th day of the month
10 commencing with the January 20, 2010 with the final payment in the amount of \$797.70 shall be due on or
11 before June 20, 2010.

12 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give
13 Debtors at least five business days' notice of the time, place and date of sale.

14 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume and
15 maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning
16 with the January 1, 2010 payment, on Secured Creditor's Trust obligation, encumbering the subject
17 Property, generally described as 3757 Tiffin Ct., Las Vegas, NV 89129, and legally described as follows:

18 Parcel One:

19 Lot 160 in Block 5 of Cimarron Village - Unit 3, as shown by map thereof on file in Book
68 of Plats, Page 39 in the Office of the County Recorder of Clark County, Nevada.

20 Parcel Two:

21 A non-exclusive easement appurtenant to Parcel One (1) of Ingress and Egress and of
22 enjoyment in, to and over Association Property and Common Elements as set forth in the Declaration of
Covenants, Conditions and Restrictions and Grant of Easements for
Cimarron Gowan Maintenance Area, Cimarron Meadows, Cimarron Village and
23 Copperhead recorded June 27, 1994 as Instrument/File No. 01014 in Book 940627 and
re-recorded August 16, 1994 as Instrument/File No. 00028 in Book 940816 as the same
24 may from time to time be amended and/or supplemented, all in the Office of the County
Recorder, Clark County, Nevada.

25 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make any
26 payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditor's

12/30/2009 20:26 newark and newark

(FAX)7028882526

P.004/004

1 Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file and serve upon
2 Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each
3 such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100.00, to be
4 paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure
5 the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to
6 Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the
7 subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete
8 possession thereof.

9
10 Submitted by:

11 WILDE & ASSOCIATES

12 *Michael #10099*
13 /S/GREGORY L. WILDE

14 By

15 GREGORY L. WILDE, ESQ.
16 Attorneys for Secured Creditor
17 208 South Jones Boulevard
18 Las Vegas, Nevada 89107

19 APPROVED AS TO FORM & CONTENT:

20 Rick A. Yamall

21 By *[Signature]* 1-25-10

22 Rick A. Yamall
23 Chapter 13 Trustee
24 701 Bridger Avenue #820
25 Las Vegas, NV 89101

26 Narrah F. Newark

By *[Signature]*

Narrah F. Newark
Attorney for Debtors
2300 W. Sahara #500, Box 34
Las Vegas, NV 89102

Nevada Bar No. 2763

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19 **SOUTHERN DISTRICT OF NEVADA**

20 In Re:
21 Ronald Williams and Adrienne Williams

22 Debtors.

08-11871-lbr

MS Motion No.
Date:
Time:

Chapter 13

23 **CERTIFICATE OF MAILING OF**
24 **DECLARATION RE BREACH OF CONDITION**

25 1. On 7/12/10 I served the following document(s):

26 DECLARATION RE BREACH OF CONDITION

2. I served the above-named document(s) by the following means to the persons as listed below:

X a. ECF System

Narrah F. Newark
Bk@nnbkclaw.com
Attorney for Debtors

Rick A. Yarnall
ecfmail@lasvegas13.com
Trustee

X b. United States mail, postage fully prepaid:

Ronald Williams and Adrienne Williams
3757 Tiffin Court
Las Vegas, NV 89129
Debtors

☐ **c. Personal Service** (List persons and addresses. Attach additional paper if necessary)

I personally delivered the document(s) to the persons at these addresses:

☐ 1. For a party represented by an attorney, delivery was made by handing the document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge by leaving the document(s) in a conspicuous place in the office.

N/A

☐ 2. For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

N/A

☐ **d. By direct mail (as opposed to through the ECF System)**

(List persons and email addresses. Attach additional paper if necessary)

Based upon the written assignment of the parties to accept service by email or a court order. I caused the document(s) to be sent to the persons at the mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **e. By fax transmission** *(List persons and fax numbers. Attach additional paper if necessary)*

Based upon the written assignment of the parties to accept service by fax transmission or a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error

1 was reported by the fax machine that I used. A copy of the record of the fax transmission is
2 attached.
3

4 ☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*
5

6 I served the document(s) by placing them in an envelope or package addressed to the
7 persons at the addresses listed below and providing them to a messenger for service.
8 *(A declaration by the messenger must be attached to this Certificate of Service).*
9

10 **I declare under penalty of perjury that the foregoing is true and correct.**
11

12 Signed on : 7/12/10 Janis Heller
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